

# **RECORDATION FORM COVER SHEET** **PATENTS ONLY**

To the Director, U.S. Patent and Trademark Office: Please record the attached original documents or copy thereof.



<p><b>Name of conveying party(ies):</b> (List using letters or numbers for multiple parties)</p> <p>1. Mohamed Diab 2. Esmail Kiani-Azarbayjany          3. David R. Tobler 4. Thomas J. Gerhardt          5. Eugene E. Mason 6. Mike A. Mills</p> <p><b>Additional name(s) of conveying party(ies) attached?</b>          ( ) Yes (X) No</p>	<p><b>2. Name and address of receiving party(ies):</b></p> <p><b>Name:</b> Masimo Corporation  <b>Internal Address:</b> 40 Parker  <b>Street Address:</b> same as above  <b>City:</b> Irvine <b>State:</b> California  <b>ZIP:</b> 92618</p> <p><b>Additional name(s) of receiving party(ies) attached?</b>          (X) Yes ( ) No</p>
<p><b>3. Nature of conveyance:</b></p> <p>(X) Assignment ( ) Security Agreement          ( ) Merger ( ) Change of Name          ( ) Other:</p> <p><b>Execution Date:</b> (List as in section 1 if multiple signatures)</p> <p>1. October 13, 1995 2. October 13, 1995          3. October 12, 1995 4. October 12, 1995          5. October 12, 1995 6. October 12, 1995</p>	<p><b>4. US or PCT Application number(s) or US Patent number(s):</b></p> <p>(X) Patent Application No.: 09/898,990          Filing Date: July 3, 2001</p> <p><b>Additional numbers attached?</b>          (X) Yes ( ) No</p>
<p><b>5. Party to whom correspondence concerning document should be mailed:</b></p> <p><b>Customer No.</b> 20,995  <b>Return Fax:</b> (949) 760-9502  <b>Attorney's Docket No.:</b> MASIMO.5CP2C2</p>	<p><b>6. Total number of applications and patents involved:</b></p>
<p><b>7. Total fee (37 CFR 1.21(h)):</b> \$40.00</p> <p>(X) Enclosed</p>	<p><b>8. Deposit account number:</b> 11-1410</p> <p>Please charge this account for any additional fees which may be required, or credit any overpayment to this account.</p>
<p><b>9. Statement and signature.</b></p> <p>To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.</p> <p><u>Lee W. Henderson, Ph.D.</u>          Name of Person Signing</p> <p><u><i>Lee W. Henderson</i></u>          Signature</p> <p><u>Aug 2, 2004</u>          Date</p> <p><u>41,830</u>          Registration No.</p> <p align="right">Total number of pages including cover sheet, attachments and document:</p>	

Documents transmitted via Mail to be recorded with required cover sheet information to:

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 Alexandria, VA 22813-1450



Application No.: Unknown  
Filing Date: Herewith

PATENT  
Client Code: MASIMO.005CP2  
Page 1

### ASSIGNMENT

WHEREAS, We, Mohamed Diab, a United States citizen, residing at 26945 Diamond, Mission Viejo, CA 92691, Esmail Kiani-Azarbayjany, an Iran citizen, residing at 35 Brindisi, Laguna Niguel, CA 92677, David R. Tobler, a United States citizen, residing at 10307 King Court, Westminster, CO 80030, Thomas J. Gerhardt, a United States citizen, residing at 8272 W. Quarto Drive, Littleton, CO 80123, Eugene E. Mason, a United States citizen, residing at 7488 Singing Hills Drive, Boulder, CO 80301, Mike A. Mills, a United States citizen, residing at 320 Dunn Road, Golden, CO 80403, have invented certain new and useful improvements in a LOW-NOISE OPTICAL PROBES for which we have executed an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, Masimo Corporation (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 23361 Madero Street, Mission Viejo, CA 92691, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) each to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 13<sup>th</sup> day of October, 1995

Mohamed Diab  
Mohamed Diab

STATE OF

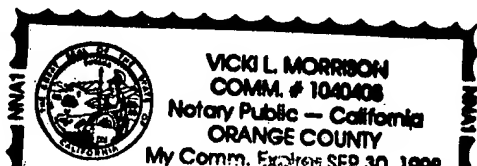
|| ss.  
||

COUNTY OF

On 10/13/95, before me, Vicki L. Morrison personally appeared Mohamed Diab personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

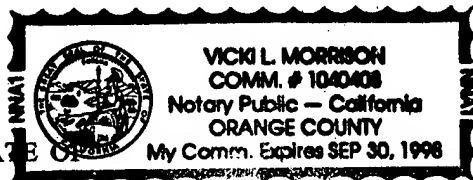


Vicki L. Morrison  
Signature

Application No.: Unknown  
Filing Date: Herewith

PATENT  
Client Code: MASIMO.005CP2  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 13 day of October, 1995.



Esmail Kiani-Azarbayjany  
Esmail Kiani-Azarbayjany

]] ss.

COUNTY OF

On 10/13/95, before me, Vicki L. Morrison personally appeared Ismaiel Kiani-Azarbayjany personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Vicki L. Morrison  
Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 14 day of OCT, 1995

David R. Tobler  
David R. Tobler

STATE OF COLORADO

]] ss.

COUNTY OF ADAMS

On 10/12/95, before me, MIKE HUKTA personally appeared David R. Tobler personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

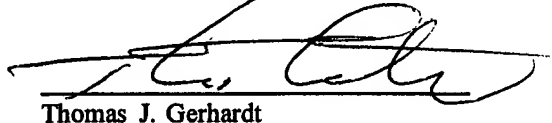
[SEAL]

Mike Hukta  
Signature

COPY

Application No.: Unknown  
Filing Date: Herewith

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12<sup>th</sup> day of Oct, 1995



Thomas J. Gerhardt

STATE OF COLORADO

COUNTY OF ADAMS

]] ss.

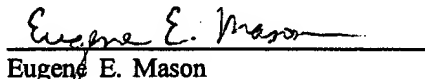
On 10/12/95, before me, MIKE HUNTA personally appeared Thomas J. Gerhardt personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

  
Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12 day of Oct, 1995

  
Eugene E. Mason

STATE OF COLORADO

COUNTY OF ADAMS

]] ss.

On 10/12/95, before me, MIKE HUNTA personally appeared Eugene E. Mason personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

  
Signature

COPY

Application No.: Unknown  
Filing Date: Herewith

PATENT  
Client Code: MASIMO.005CP2  
Page 4

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12<sup>th</sup> day of October, 1995

Mike A. Mills  
Mike A. Mills

STATE OF COLORADO

COUNTY OF ADAMS

ss.

On 10/12/95, before me, MIKE HUTTA personally appeared Mike A. Mills personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Mike Hutta  
Signature

SCJ-4845:vm  
101195

COPY